Sectt. H-2.—60,001—17-11-48

P. W. (1949) Department.

MS SERIES.

close
KW
by
Supdt.

G.O. NO. 4819
4819

Dated 21-12-49.

[Despatch Abstract.]

Ferries - S.Kanara District - Mangalore taluk - Kattukarnire and Padu ferries - transfer of management fromthe Dist. B. to the Palimar and Athikaribettu Panchayat Boards - Orders.

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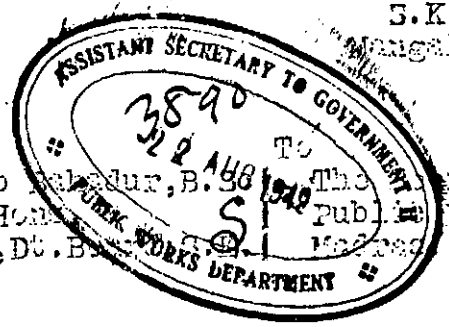
Rc.19759-C1-46. S.K.Dt.Board Office,
Mangalore, dated 11-8-49.



From
Syed Ahmed Saheb Bahadur, B.Sc., To The Secretary to Government,
Hon. Public Works Department,
Special Officer, Dt. B... Madras.

Sir,

Sub:- Fomries-(1) Mattukammire and (2) Pado-Mangalore taluk-transfer of management to to Pallimar and Athikaribettu Panchayet Boards respectively-orders solicited.

Ref:- This office Rc.19759-C1-46, d/5-6-49.

--

I request that orders of Government may kindly be obtained and communicated to me at an early date.

for Special Officer.

bms/16-8-49.

63/24.8

3

P.W.D.(S).

Memo. No. 3890 S/49-1 dated 23-8-49.

Ferries - S. Kanara Dt. Mattukarnire and Padu Mangalore Ha - Transfer of management to Kalmar and Athikaribettu Panchayat Bds respectively From the S.O. S. Kanara Dt Bds Rc 19759-G1-46d 11-8-49

-p1c.f.

The S.O. South Kanara Dt Board is requested to send a Copy of his letter No. Rc 19759-G1-46d 5-6-49 as it does not appear to have been received by the Govt.

23.8.49

23.8.49 23.8.49

To
The S.O. South Kanara Dt Bds.
Copy to Bd. of Revenue

25/8

Note:- The S.O's letter referred to at p1c.f. has not been received by the Govt. It is presumed that the S.O. must have sent the same through the Bd. of Rev as such letters are usually received through the

Bd. of Revenue. However a copy may be called for
the draft memo. overleaf is for approval.

23.8.49 23.8.49 23.8.49

Rc.No.19759-C1-46.

S.K.Dt.Board Office,
Mangalore,d/8-9-49.

5

From
Syed Ahmed Saheb Bahadur,B.Sc
Hons.
Special Officer,Dt.Board,S.K.

To
The Secretary to Government,
Public Works Department,
Madras.

Sir,

Sub:- Ferries-South Kanara District-Mattu-Kannire and Bade-Mangalore taluk-transfer of management to Palimar and Athikaribettu Panchayat Boards respectively-orders solicited.

Ref:- Government Memo.No.3890-S-49-1, d/23-8-49.

A copy of letter Rc.No.19759-C1-46,d/5-6-49 of the Special Officer,Dt.Board,South Kanara, is enclosed as desired by Government.

for Special Officer.

bms/9-9-49.

R.C.NO.19759-C1-46.

S.K.District Board Office,
Mangalore, Dated 5-6-1949.

From

Syed Ahmed Sahib Bahadur, B.Sc,(Hons),
Special Officer, S.K. Dt. Board.

To

The Secretary to Government,
Public Works Department,
M A D R A S.

Through
The Board of Revenue
&
The Collector of South Kanara.
++

Subject: FERRIES (1) Mattu Karnire and (2) Pade - Mangalore Taluk - Transfer of management to Palimar and Athikaribettu Panchayat Boards - respectively - orders requested.
===

The Presidents of the Panchayat Boards Palimar and Athikaribettu in Udipi Taluk request that the management of (1) Mattukarnire and (2) Pade ferries from this Board may be transferred to that of the respective panchayat boards as these two ferries lie within their jurisdictions.

2. In resolution No.4623, dated 2-5-1949 of the Special Officer (copy enclosed), the District Board has resolved to transfer the management of Mattukarnire ferry to Palimar Panchayat Board and that of Pade ferry to Athikaribettu Panchayat board from the date of notification to be issued by Government.

3. The two ferries known as Mattukarnire and Pade ferries were brought under the Provisions of the Canals and Public Ferries Act I of 1870 as per the notification dated 10-1-1879 published in Fort St.George Gazette dated 21-1-1879. By a notification No.546 dated 15-12-1890, published in Part I of the Fort St.George Gazette dated 15-12-1890, the management of these two ferries along with several others was assigned to this District Board.

-2-

C1

I therefore request that Government may be pleased to issue necessary notification, withdrawing the management of the above two ferries from this Board and assigning it to the respective panchayat boards under section 11 of the Canals and Public Ferries Act of 1890 at an early date.

FOR SPECIAL OFFICER.

Athikaribettu panchayat board and the income from these ferries may be apportioned between them.

Also further resolution No.505/49 d/12-4-49 and 2/16-4-49 of the Palimar and Athikaribettu panchayat Boards reppectively agreeing to take over the management of Mattukarnire and Pade ferries under them and to maintain them in good condition and apportion the income between them.

RESOLUTION: "Subject to the notification to be issued by Government for reassignment, the Board agrees to transfer the management of Mattukarnire ferry to Palimar Panchayat Board and Pade ferry to Athikaribettu panchayat board. The income realised by these two ferries will be apportioned equally between them."

(TRUE EXTRACT) Sd/- M.SUNDER RAO
FOR SPECIAL OFFICER.

FOR SPECIAL OFFICER under

12-

To:- P.W.D. (S).

It will be seen from A on p 7 ante that the original of the S.D.O.'s letter has been sent through the Coll. of S. Kanara and the Bd. of Rev. The receipt of that letter may be awaited till 15-10-49.

13 / P.W.D. (5)

34
18.10

Memo. No. 3890 5/49-2 dated 17-10-49

Ferries - S. Kanara Dt. Mangalore Tk. - Mattu Karnire and Pade ferries - Transfer of management to Palimar and Athikaribettu Panchayat Boards.
From the Sp. S. Kanara Dt Board Rc. No. 19759-C-46 dated 5-6-49.

Tp 7 - 11 Cf.

Tp 7 - 11 Cf.

The attention of the Collector of S. Kanara is invited to the letter cited above and he is requested to state in what stage the matter stands at present and when it will be forwarded to the Govt. through the Bd. of Revenue.

17.10.49

17.10.49

17.10.49

To
The Collr. of S. Kanara
Copy to Bd. of Revenue

15.

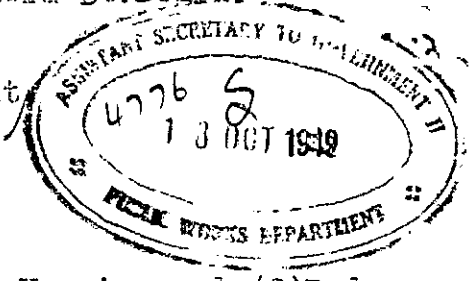
R.C.No.19759-C1-46. Office of the South Kanara Dt.Board, Mangalore, Dated 12-10-1949.

From

Syed Ahmed Sahib Bahadur, B.Sc,(Hons), Special Officer, South Kanara Dt.Board.

To

The Secretary to Government, Public Works Department, MADRAS.



Sir,

Subject: FERRIES -(1)Mattu Karnire and (2)Pade - Mangalore Taluk - transfer of management to Palimar and Athikaribettu Panchayat Boards - respectively - orders solicited.

Reference:This office R.C.19759-C1-46 dated 5-6-1949 and 8-9-1949.

'I request that orders of Government on the subject may kindly be obtained and communicated to me at an early date.

FOR SPECIAL OFFICER.

RM/13-10-49.

3

PW.D.(S)

45
25.10

Memo. No 3890 S/49-3 dated 24.10.49

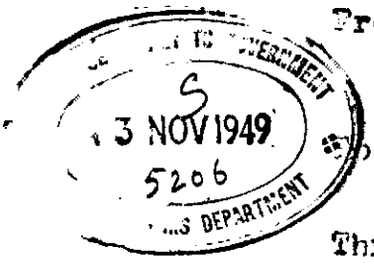
Ferries - S. Kanara Dt Mathukarmne and Pade-Mangalore Tk. Transfer of management to Palimar and Athikaribettu Panchayat Bds respectively From the S.O. S. Kanara Dt.Bd Rc No 19759 C1-46 dt 12.10.49

The S.O. S. Kanara Dt.Bd is informed that his letter No 19759-C1-46 dated 5.6.49 reported to have been sent thro. the Collr. of S. Kanara and the Bd. of Revenue has not yet been received — The Govt.

Dy Sec 24/10 — 22.10.49 — 24.10.49

TO
The S.O. S Kanara Dt.Bd

D.Dis.C.No.15878/49 South Kanara Collector's Office,
Mangalore, dated 7-11-49.



From

Janab Syed Ahmed, B.Sc.,(Hons.),
Collector of South Kanara.

The Secretary to Government,
P.W.D. Madras

Through

The Secretary to the Board of Revenue,
Land Revenue, Madras.

Sir,

FERRIES - South Kanara District - Mangalore Taluk - Mathakarnire and pade - Transfer of management to palimar and Athikaribettu panchayats proposals.

Reference: 1. Government Memo No.3890.S/49-2 P.W.D. dated 17-10-49

2. Ref. No.19759-C1-46 dated 5-8-49 from the Special Officer, South Kanara District Board.

In his letter second cited above the Special Officer, South Kanara District Board proposes that the management of Mattu-Karnire and pade ferries may be transferred to Palimar and Athikaribettu Panchayat Boards respectively as the two ferries lie within their jurisdiction. In the resolution No.4623 dated 3-5-49 of the District Board it has also been decided that the income realised by these ferries will be apportioned equally between the Copies of the letter of the Special Officer and of the resolution mentioned above are enclosed. The Panchayat Boards concerned have also agreed to take over the management of the ferries.

2. There are no roads on either side of the ferries. Each of the Panchayat Boards has got jurisdiction on each side of the ferries. These ferries were already included in the list submitted in this Office Ref. [illegible] dated 15-3-49 with reference to the Government Memo No. [illegible] No.1561-S/48-1 dated 18-3-48 communicated in Board's Reference A. No.3529/48-1 dated 3-7-48 as ferries requiring reassignment under G.O. No.3304 P.W.D. dated 6-11-47.

3. I recommend that the management of these two ferries may be withdrawn from the District Board and reassigned to the respective Panchayat Boards as mentioned above. A draft notification is enclosed.

Yours faithfully,

For Collector.

Copy submitted to the Secretary to Government, P.W.D. Direct
ks/9-11

To P.W.D.(S)
(original of the letter sent here)
The remarks of the Bd. of Revenue may be awaited till 15.12.49.
14.11.49.
14.11.49
14.11.49

19

Draft Notifcation.

In exercise of the powers conferred by section 10(1)(c) of the Canals and Public Ferries Act, 1890(Madras Act II of 1890) His Excellency the Governor of Madras hereby cancels with effect from the date of publication of this notifcation, the order assigning the management of the Mathukarnire and Pade Ferries of Mangalore Taluk, South Kanara District to the District Board, South Kanara.

Under section 10(1) (a) of the said Act, the management of the above ferries will, with effect from the the date of publication of this notification, be vested in the Pallmar and Athikaribettu Panchayats respectively. The income realised by the two ferries will be apportioned equally between these panchayats.

S.K.Collector's Office,
Mangalore, dated 7-11-49

sd. V.D. Masilamani,
For Collector.

For Collector.

9/11

(Same as pp 7-11 ante) 21.

Copy of Rc. No.19759-C1/46 dated 5-6-49 of the Special Officer, District Board, South Kanara, Mangalore to the Secretary to Government Public Works Department, Madras, thro' the Board of Revenue and Collector of South Kanara.

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FERRIES (1) Mattu Karnire and (2) Pade - Mangalore Taluk - transfer of management to Palimar and Thikaribettu Panchayat Boards respectively - Orders requested.

--

The Presidents of the Panchayat Boards Palimar and Athikaribettu in Udipi Taluk request that the management of (1) Mattukarnire and (2) Pade ferries from this Board may be transferred to that of the respective panchayat boards as these two ferries lie within their jurisdiction.

2. In resolution No.4623 dated 2-5-49 of the Special Officer(copy enclosed), the District Board has resolved to transfer the management of Mattu Karnire ferry to Palimar Panchayat Board and that of Pade ferry to Athikaribettu panchayat Board from the date of notification to be issued by Government.

3. The two ferries known as Mattu Karnire and Pade ferries were brought under the Provisions of the Canals and Public Ferrites Act I of 1879 as per the notification dated 10-1-1879 published in Fort St. George Gazette dated 21-1-1879 By a notification No.646 dated 15-12-1890, published in part I of the Fort St. Geroge Gazette dated 15-12-1890, the management of these two ferries along with several others was assigned to this District Board.

4. I therefore request that Government may be pleased to issue necessary notifcation, withdrawing the management of the the above two ferries from this Board and assigning it to the respective Panchayat Boards under section 11 of the Canals and Public Ferries Act of 1890 at an early date.

sd.
For Special Officer.
/True Copy/

Extract from the proceedings of the Special Officer, South Kanara District Board dated 2-5-49

--

4623 Read resolution Nos. 390/7-11-48 and 40d/18-9-48 of the Panchayat Boards Palimar and Athikaribettu, requesting to transfer the management of the Mattur Karnire and Pade ferries which are now under the management of the South Kanara District Board to the respective Panchayat boards.

Endorsement F.Dis.2145/47 dated 22- 49 of the Divisional Engineer, Highways Mangalore , stating that these two ferries lie within the limits of the Palimar and Athikaribettu Panchayat Boards.

Also Ref.C.No.457/B1/49 dated 4-3-49 of the Dt. Panchayat Officer, recommending that the management of the Mattukarnire ferry may be transferred to Palimar Panchayat Board and Pade ferry to Athikaribettu Panchayat Board and the income from these ferries, may be apportioned between them.

Also further resolution No.5050/49 dated 12-4-49 and 2/16-4-49 of the Palimar and Athikaribettu Panchayat Boards respectively agreeing to take over the management of Mattur Karnire and pade ferries under them and to maintain them in good condition and apportion the income between them.

Resolution: "Subject to the notification to be issued by Government for reassingment, the Board agrees to transfer the management of Mattukarnire ferry to Palimar panchayat Board and Pade ferry to Athikaribettu Panchyat Board. The income realised by these two ferries will be apportioned equally between them".

sd.
For Special Officer.

/True Copy/

REVENUE DEPARTMENT,

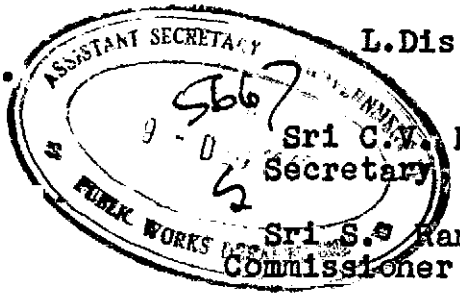
Subject;

FERRIES--(South Kanara)--Mangalore Taluk--Mathakarnire and pade Transfer of management to Palimar and Athikaribettu--Remarks.

***

L.Dis.A/G 7874/49.

Madras. Dated 7th December 1949.



Sri C.V. Narasimhan, I.C.S.,
Secretary, Board of Revenue, Madras.

Sri S. Ranganathan, I.C.S.,
Commissioner of Land Revenue.

Read: From the Collector of Sputh Kanara, D.Dis. C.15878/49 d/7-11-49.

L.DIS:

Submitted to the Government.

2. In the circumstances reported by the Collector, the Board recommends that the management of Mattu Karnire and Pade ferries may be transferred to Palimar and Athikaripettu Panchayat Boards respectively, and that the income derived from the ferries may be apportioned equally between the two Panchayat Boards.

for Secretary.

To the Secretary to Government, Public Works Department, Madras. (With a copy of the Collector's letter.)

nedr.7-12.

D.Dis.C.No.15878/49 South Kanara Collector's Office,
Mangalore, dated 7-11-49.

From

Janab Syed Ahmed, B.Sc.,(Hons.),
Collector of South Kanara.

To

The Secretary to Government,
P.W.D. Madras

Through

The Secretary to the Board of Revenue,
Land Revenue, Madras.

Sir,

FERRIES - South Kanara District - Mangalore Taluk - Mathakarnire and pade - Transfer of management to palimar and Athikaribettu panchayats proposals.

Reference: 1. Government Memo No.3890.S/49-2 P.W.D. dated 17-10-49

2. Ref. No.19759-C1-46 dated 5-8-49 from the Special Officer, South Kanara District Board.

--

In his letter second cited above the Special Officer, South Kanara District Board proposes that the management of Mattu-Karnire and pade ferries may be transferred to Palimar and Athikaribettu Panchayat Boards respectively as the two ferries lie within their jurisdicti In the resolution No.4623 dated 2-5-49 of the District Board it has also been decided that the income realised by these ferries will be apportioned equally between them. Copies of the letter of the Special Officer and of the resolution mentioned above are enclosed. The Panchayat Boards concerned have also agreed to take over the management of the ferries.

2. There are no roads on either side of the ferries. Each of the Panchayat Boards has ~~got~~ jurisdiction on each side of the ferries. These ferries were already included in the list submitted in this Office Ref. B2-14036-4 dated 15-3-49 with reference to the Government Memo P.W.D. No.1561-S/48-1 dated 18-6-48 communicated in Board's Reference A. No.3529/48-1 dated 3-7-48 as ferries requiring reassignment under G.O. No.3304 P.W.D. dated 6-11-47.

3. I recommend that the management of the two ~~ferms~~ may be withdrawn from the District Board and reassigned to the respective Panchayat Boards as mentioned above. A draft notification is enclosed.

Yours faithfully,

For Collector.

Copy submitted to the Secretary to Government, P.W.D. direct
ks/9-11

(Same as 6 (Tamil)

Draft Notifcation.

In exercise of the powers conferred by section 10(1)(c) of the Canals and Public Ferries Act, 1890(Madras Act II of 1890) His Excellency the Governor of Madras hereby cancels with effect from the date of publication of this notification, the order assigning the management of the Mathukarnire and Pade Ferries of Mangalore Taluk, South Kanara District to the District Board, South Kanara.

Under section 10(1) (a) of the said Act, the management of the above ferries will, with effect from the the date of publication of this notification, be vested in the Palimar and Athikaribettu Panchayats respectively. The income realised by the two ferries will be apportioned equally between these panchayats.

S.K.Collector's Office,
Mangalore, dated 7-11-49

sd. V.D. Masilamani,
For Collector.

Masilamani
For Collector.

(Same as pp7-11 ante)

Copy of Rc. No.19759-C1/46 dated 5-6-49 of the Special Officer, District Board, South Kanara, Mangalore to the Secretary to Government Public Works Department, Madras, thro' the Board of Revenue and Collector of South Kanara.

FERRIES (1) Mattu Karnire and (2) Pade - Mangalore Taluk - transfer of management to Palimar and Thikaribettu Panchayat Boards respectively - Orders requested.

The Presidents of the Panchayat Boards Palimar and Athikaribettu in Udipi Taluk request that the management of (1) Mattukarnire and (2) Pade ferries from this Board may be transferred to that of the respective panchayat boards as these two ferries lie within their jurisdiction.

2. In resolution No.4623 dated 2-5-49 of the Special Officer(copy enclosed), the District Board has resolved to transfer the management of Mattu Karnire ferry to Palimar Panchayat Board and that of Pade ferry to Athikaribettu panchayat Board from the date of notification to be issued by Government.

3. The two ferries known as Mattu Karnire and Pade ferries were brought under the Provisions of the Canals and Public Ferrites Act I of 1870 as per the notification dated 10-1-1879 published in Fort St. George Gazette dated 21-1-1879 By a notification No.546 dated 15-12-1890, published in part I of the Fort St. Geroge Gazette dated 15-12-1890, the management of these two ferries along with several others was assigned to this District Board.

4. I therefore request that Government may be pleased to issue necessary notifcation, withdrawing the management of the the above ferries from this Board and assigning it to the respective Panchayat Boards under section 11 of the Canals and Public Ferries Act of 1890 at an early date.

sd.
For Special Officer.
/True Copy/

Expract from the proceedings of the Special Officer, South Kanara District Board dated 2-5-49

4623 Read resolution Nos. 390/7-11-46 and 40d/18-8-48 of the Panchayat Boards Palimar and Athikaribettu, requesting to transfer the management of the Mattur Karnire and Pade ferries which are now under the management of the South Kanara District Board to the respective Panchayat boards.

Endorsement N.Dis.2145/47 dated 22- 49 of the Divisional Engineer, Highways Mangalore , stating that these two ferries lie within the limits of the Palimar and Athikaribettu Panchayat Boards.

Also Ref.C.No.457/B1/49 dated 4-3-49 of the Dt. Panchayat Officer, recommending that the management of the Mattukarnire ferry may be transferred to Palimar Panchayat Board and Pade ferry to Athikaribettu Panchayat Board and the income from these ferries, may be apportioned between them.

Also further resolution No.5050/49 dated 12-4-49 and 2/16-4-49 of the Palimar and Athikaribettu Panchayat Boards respectively agreeing to take over the management of Mattur Karnire and pade ferries under them and to maintain them in good condition and apportion the income between them.

Resolution: "Subject to the notification to be issued by Government for reassignment, the Board agrees to transfer the management of Mattukarnire ferry to Palimar panchayat Board and Pade ferry to Athikaribettu Panchyat Board. The income realised by these two ferries will be apportioned equally between them".

sd.
For Special Officer.

/True Copy/

P.W.D.(S)

Ferries - S. Kanara Dt. Mangalore Ta. Mattu Karmire and Pade ferries - Transfer of management to Palimar and Athikaribettu Panchayat Boards

fp 7-9 cf. From the S.O. S. Kanara DTBd No. 19759-G-46 dt 5-6-49.
fp 25 cf. From the Coll. S. Kanara D. dis. CN 15878/49 dt 7.11.49
fp 23 cf. From the Bd. of Rev. Lr dis M/G 7874/49 dt 7.12.49

The proposal in this file relates to the transfer of management of the Mattu-Karmire and Pade ferries in Mangalore Ta. S. Kanara Dt. to the Palimar and Athikaribettu Panchayat Bds respectively.

A on fp 25 cf. 2. It is reported that there are no roads on either side of the ferries and that each of the Panchayat Bds has got jurisdiction on each side of the ferries. The two ferries are now under the management of the S. Kanara DTBd. It will be seen from fp 11 cf. that the DT. Board is prepared to transfer the management of the ferries and the Panchayat Bds concerned are also willing to take over the management. The Collector of S. Kanara Dt. and the Bd. of Revenue have recommended that the management of the two ferries may be transferred to the Panchayat Bds and the income derived from the ferries may be apportioned equally between the two Panchayat Bds. The above recommendation is based on the orders in Fo No. 330 Rev. dated 6-11-47.

3. It has been pointed out by Legal that the orders in Fo No. 330 Rev. dt 6.11.47 have no statutory backing. In order that the orders in the Fo. may have statutory backing action is being taken in a separate file to amend Section 10 of the Canals & Public Ferries Act. In the circumstances, there seems to be no

para 2 of fp 23 cf. objection to transfer the management of the Mattu Karmire and Pade ferries to the Palimar and Athikaribettu Panchayat Boards and to apportion the income equally between them.

4. A draft order is submitted for approval. L.A. and Legal may see before issue.

13.12.49 14.12.49

2 14.12.49 L.A./Legal

P.W.D.U.O. 3890S/49-4 14.12.49.

LOCAL A 54452 1949 CM

L.A.D(F)

The notes of P.W.D above and the draft order below may be perused and the file passed on to Legal

CAS 16.12.49

16.12.49 Legal

dsp 16/12 Leg

L.dis 57452.F.4 16.12.49

Legal Department.

The reference to section 10(1)(a) of the Act in the second paragraph of the draft notification should be altered into a reference to section 10(1)(c), as it is the latter and not the former that relates to the assignment of a public ferry to a local board or municipal council. In view of this, the two paragraphs may be combined into a single one as indicated in red ink on the draft. It is presumed that only the net income should be apportioned between the two panchayats and if so, "income" may be altered into "net income" as indicated in red ink on the draft notification.

ASSISTANT SECRETARY 16974 17DEC1949 LEGAL DEPARTMENT

A

19/12/49 P.W.D.(S).

Legal w.o.no.16974/49 19.12.49

The presumption of legal deptt. at A above is correct. The draft order below may now issue with the alterations indicated by Legal in red ink

ASSISTANT SECRETARY TO GOVERNMENT S 20 DEC 1949 5868 PUBLIC WORKS DEPARTMENT

20.12.49 21.12.49